

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA ex rel.
JOSEPH SEIKEL and TERENCE SEIKEL,

Plaintiffs/Relators,

v.

No. 2:20-cv-05286-ER

DAVID B. ALVAREZ, APPLIED
CONSTRUCTION SOLUTIONS, INC.,
ENERGY TRANSPORTATION LLC,
ENERGY RESOURCE GROUP, LLC,
ET360, LLC, BEAR CONTRACTING, LLC,
BEAR UTILITIES, LLC, JASON P.
HENDERSON, and JOHN DOES NOS. 1-50,
FICTITIOUS NAMES,

Defendants.

**DECLARATION OF PATRICIA M. KIPNIS
IN SUPPORT OF DEFENDANTS ALVAREZ MOTION TO TRANSFER VENUE**

I, Patricia M. Kipnis, declare as follows:

1. I make this Declaration of my own personal knowledge, and if called as a witness, I would and could testify competently to the matters stated herein.
2. I am a partner of the law firm Bailey & Glasser LLP, counsel for the Defendants David B. Alvarez, Applied Construction Solutions, Inc., and Energy Transportation, LLC in this lawsuit.
3. Defendants were presented the Complaint by the Department of Justice. Relators and their counsel, for unknown reasons, have chosen not to serve the Complaint on Defendants.
4. Attached as Exhibit A is a true and correct copy of Octane Environmental, LLC's Business Organization Detail from the West Virginia Secretary of State's website. Both

Joseph and Terrence Seikel are listed as members and the Principal Office Address is listed as PO Box 67 Bridgeport, WV, 26330.

5. Attached as Exhibit B is a true and correct copy of David B. Alvarez' declaration dated November 8, 2022.

6. Attached as Exhibit C is a true and correct copy of Octane Environmental, LLC, an Ohio limited liability company; Terence Seikel; Craig Stacy; and Joseph Seikel's Motion to Compel Non-Party, Energy Resource Group, LLC, to Produce Documents Pursuant to Subpoena.

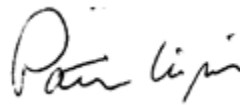
7. Attached as Exhibit D is a true and correct copy of the Order Denying Octane Environmental, LLC, an Ohio limited liability company; Terence Seikel; Craig Stacy; and Joseph Seikel's Motion to Compel and Granting Non-Party Energy Resource Group, LLC's Motion to Quash Defendant's Subpoena.

8. Attached as Exhibit E is a true and correct copy of the Order Denying Motion by Non-Party David Alvarez to Quash Subpoena.

9. Attached as Exhibit F is a true and correct copy of the transcript of David B. Alvarez' deposition in the matter of *Ernest Richards, II and Rick Richards v. Octane Environmental, LLC et al.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Philadelphia, Pennsylvania, this 9th day of November, 2022.



Patricia M. Kipnis